



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Health

Permanent Rule Only

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ **Other (specify)** (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose: The rule amends WAC 246-314-010, Definitions, and WAC 246-314-990, Construction review fees. The adopted rules update definitions and clarify the plan review process for those seeking construction review services.

Citation of existing rules affected by this order:

Repealed: None

Amended: WAC 246-314-010 and WAC 246-314-990

Suspended: None

Statutory authority for adoption: Chapter 43.70 RCW

Other authority : None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-16-110 on 08/02/2010 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

phone

Address:

fax

e-mail

Date adopted: 11/02/2010

NAME (TYPE OR PRINT)

Mary C. Selecky

SIGNATURE

TITLE

Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 02, 2010

TIME: 4:34 PM

WSR 10-22-109

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 06-16-118, filed 8/1/06, effective 9/1/06)

WAC 246-314-010 Definitions. ~~((For the purpose of this chapter the following words and phrases will have the following meanings))~~ The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Certified" means facilities that must be certified to participate in medicare or medicaid programs and meet physical environment minimum standards as required in the Code of Federal Regulations.

(2) "Change of approved use only" means a change in the function of a room that does not alter the physical elements.

(3) ~~"((Interior))~~ Finishes ~~((means))~~ includes, but is not limited to, products such as carpet, vinyl wall covering, wall paper, exterior siding, landscaping, or paneling applied to an existing surface as the exposed surface.

(4) "Licensed" means facilities licensed from the state department of health (DOH) or state department of social and health services (DSHS) that must obtain approval from construction review services before licensure activity.

(5) "Permit" means a recommendation to the licensing or certifying authority from construction review services indicating that a facility meets the physical environment rules and the plan review process is complete.

(6) "Program" means the Washington state department of health, construction review services.

(7) "Project" means a change to a facility including new construction, replacement, alterations, additions, expansions, conversions, change of approved use, improvements, remodeling, renovating, and upgrading of the following types of facilities:

(a) "Ambulatory surgery center" defined as a facility that is required to be certified for participation in medicare or medicaid or ambulatory surgical facilities licensed under chapters 70.230 RCW and 246-330 WAC;

(b) "Birthing centers" (formerly maternity homes) and "childbirth centers" licensed under chapters 18.46 RCW and 246-329 WAC;

(c) "Boarding homes" licensed under chapters 18.20 RCW and 388-78A WAC;

~~((c))~~ (d) "Correctional facilities" as defined under RCW 43.70.130(8);

~~((d))~~ (e) "Hospice care center" licensed under chapters 70.127 RCW and 246-335 WAC;

~~((e))~~ (f) "Hospitals" licensed under chapters 70.41 RCW and 246-320 WAC;

~~((f)) "Maternity homes" and "childbirth centers" licensed~~

~~under chapters 18.46 RCW and 246-329 WAC;~~

~~((g)) "Migrant worker housing" licensed under chapter 246-359 WAC. Plan review fees for migrant worker housing are set in chapters 246-358, 246-359, and 246-361 WAC;~~

~~((h))~~ ((g)) "Nursing homes" licensed under chapters 18.51 RCW and 388-97 WAC;

~~((i))~~ ((h)) "Private ((alcoholism)) alcohol and chemical dependency hospitals" licensed under chapters 71.12 RCW and 246-324 WAC;

~~((j))~~ ((i)) "Private psychiatric and alcoholism hospitals" licensed under chapters 71.12 RCW and 246-322 WAC; ~~((and~~

~~((k))~~ ((j)) "Residential treatment facilities" licensed under chapters 71.12 RCW and 246-337 WAC; and

((k)) "Temporary worker housing" licensed under chapters 70.114A RCW and 246-358 WAC.

(8) "Project cost" means all costs directly associated with the project, initially estimated and corrected by certification to the date of completion of the project and including all fixed and installed clinical equipment in the project and contractor supervision, inspection, and overhead. This cost does not include:

(a) Taxes;

(b) Architectural or engineering fees; and

(c) Land acquisition fees.

(9) "Project sponsor" means the person, persons or organization, planning and contracting for the design and construction of facilities, generally the owner or the owner's representative.

(10) "Technical assistance" means assistance provided by the program to facilities either at the program offices or at the project location including:

(a) Information on the laws, rules and compliance methods and technologies applicable to the regulations;

(b) Information on methods to avoid compliance problems;

(c) Assistance in applying for permits, licensure or certification;

(d) Information on the mission, goals, and objectives of the program; and

(e) Assistance to parties constructing projects not required to be licensed or certified and voluntarily wish to comply with rules or guidelines in the interest of safety or best practices.

(11) "Value of existing construction" means the value of an existing building or portion thereof at the time of project submission, based on the current market value of the structure as documented by the project sponsor, or, as determined by assigning a cost per square foot value.

AMENDATORY SECTION (Amending WSR 06-16-118, filed 8/1/06, effective 9/1/06)

WAC 246-314-990 Construction review fees. (1) Upon prior approval by the program the project sponsor may exclude from the "project cost" the cost for fixed or installed technologically advanced clinical equipment such as but not limited to: Lithotripters, CT scans, linear accelerators, and MRIs.

~~(2) ((The program shall charge a flat fee for the review of the following projects:~~

~~(a) Installation of interior finishes only, one hundred twenty dollars;~~

~~(b) Change of approved use only, one hundred twenty dollars;~~

~~(c) The first submission for review and approval of the site installation of a mobile unit, four hundred seventy dollars. Each additional submission of the same project, two hundred eighty-five dollars;~~

~~(d) The first submission for review and approval of the equipment supplier of a mobile unit, four hundred seventy dollars. Each additional submission of the same project, two hundred eighty-five dollars;~~

~~(e) Each eight staff hours or fraction thereof for technical assistance, four hundred ten dollars. For technical assistance requiring travel, the program may increase the fee to include travel.)~~) **Project fee table.** Except as provided in subsection (4) and (5) of this section, the following fees will be charged for project review based on the cost of the project:

PROJECT FEE TABLE

<u>Project Cost</u>		<u>Project Review Fee</u>
\$	0 to \$ 999	\$ 120
	<u>1,000 to 1,999</u>	<u>250</u>
	<u>2,000 to 2,999</u>	<u>325</u>
	<u>3,000 to 4,999</u>	<u>410</u>
	<u>5,000 to 9,999</u>	<u>530</u>
	<u>10,000 to 19,999</u>	<u>665</u>
	<u>20,000 to 29,999</u>	<u>820</u>
	<u>30,000 to 39,999</u>	<u>975</u>
	<u>40,000 to 49,999</u>	<u>1,125</u>
	<u>50,000 to 64,999</u>	<u>1,325</u>
	<u>65,000 to 79,999</u>	<u>1,535</u>
	<u>80,000 to 99,999</u>	<u>1,845</u>
	<u>100,000 to 124,999</u>	<u>2,200</u>
	<u>125,000 to 149,999</u>	<u>2,550</u>
	<u>150,000 to 199,999</u>	<u>2,970</u>
	<u>200,000 to 249,999</u>	<u>3,325</u>
	<u>250,000 to 324,999</u>	<u>3,650</u>
	<u>325,000 to 449,999</u>	<u>4,100</u>

<u>Project Cost</u>	<u>Project Review Fee</u>
<u>450,000 to 574,999</u>	<u>4,600</u>
<u>575,000 to 699,999</u>	<u>5,200</u>
<u>700,000 to 849,999</u>	<u>5,825</u>
<u>850,000 to 999,999</u>	<u>6,550</u>
<u>1,000,000 to 1,249,999</u>	<u>7,150</u>
<u>1,250,000 to 2,499,999</u>	<u>7,850</u>
<u>2,500,000 to 2,999,999</u>	<u>8,550</u>
<u>3,000,000 to 3,499,999</u>	<u>9,300</u>
<u>3,500,000 to 4,999,999</u>	<u>10,750</u>
<u>5,000,000 to 6,999,999</u>	<u>12,200</u>
<u>7,000,000 to 9,999,999</u>	<u>13,800</u>
<u>10,000,000 to 14,999,999</u>	<u>15,850</u>
<u>15,000,000 to 19,999,999</u>	<u>17,850</u>
<u>20,000,000 to 29,999,999</u>	<u>19,900</u>
<u>30,000,000 to 39,999,999</u>	<u>23,000</u>
<u>40,000,000 to 59,999,999</u>	<u>25,600</u>
<u>60,000,000 and over</u>	<u>28,700</u>

(3) **Existing building conversions.** Building conversion fees will be based on the value of existing construction (~~and derived from~~). Fees will be charged for project review based on the project fee ((schedule)) table in subsection (2) of this section.

(a) The existing construction value is based on the local area cost data.

(b) Current cost data will be made available and posted on the construction review services web site: <http://www.doh.wa.gov/hsqa/fsl/CRS>.

(c) Project sponsors may submit specific cost data that accurately describes the estimate good faith value for the program's consideration.

((CONSTRUCTION FEE TABLE

<u>Project Cost</u>	<u>Project Review Fee</u>
<u>\$ 0 to \$ 999</u>	<u>\$ 120</u>
<u>1,000 to 1,999</u>	<u>250</u>
<u>2,000 to 2,999</u>	<u>325</u>
<u>3,000 to 4,999</u>	<u>410</u>
<u>5,000 to 9,999</u>	<u>530</u>
<u>10,000 to 19,999</u>	<u>665</u>
<u>20,000 to 29,999</u>	<u>820</u>
<u>30,000 to 39,999</u>	<u>975</u>
<u>40,000 to 49,999</u>	<u>1,125</u>
<u>50,000 to 64,999</u>	<u>1,325</u>
<u>65,000 to 79,999</u>	<u>1,535</u>
<u>80,000 to 99,999</u>	<u>1,845</u>
<u>100,000 to 124,999</u>	<u>2,200</u>
<u>125,000 to 149,999</u>	<u>2,550</u>

Project Cost	Project Review Fee
150,000 to 199,999	2,970
200,000 to 249,999	3,325
250,000 to 324,999	3,650
325,000 to 449,999	4,100
450,000 to 574,999	4,600
575,000 to 699,999	5,200
700,000 to 849,999	5,825
850,000 to 999,999	6,550
1,000,000 to 1,249,999	7,150
1,250,000 to 2,499,999	7,850
2,500,000 to 2,999,999	8,550
3,000,000 to 3,499,999	9,300
3,500,000 to 4,999,999	10,750
5,000,000 to 6,999,999	12,200
7,000,000 to 9,999,999	13,800
10,000,000 to 14,999,999	15,850
15,000,000 to 19,999,999	17,850
20,000,000 to 29,999,999	19,900
30,000,000 to 39,999,999	23,000
40,000,000 to 59,999,999	25,600
60,000,000 and over	28,700))

(4) **Flat fees.** The following projects will receive a discount on project review fees:

(a) Installation of finishes only, one hundred twenty dollars;
(b) Change of approved use only, one hundred twenty dollars;
(c) The first submission for review and approval of the site installation of a mobile unit, four hundred seventy dollars. Each additional submission of the same project, two hundred eighty-five dollars;

(d) The first submission for review and approval of the equipment supplier of a mobile unit, four hundred seventy dollars. Each additional submission of the same project, two hundred eighty-five dollars;

(e) Each eight staff hours or fraction thereof for technical assistance, four hundred ten dollars. For technical assistance requiring travel, the program may increase the fee to include travel expenses;

(f) Special projects as determined by the program that requires minimal or highly repetitive review, four hundred ten dollars for every review/inspection after the initial review;

(g) Plan review and inspection for the on-site installation of the foundation, and hook-ups including, but not limited to, potable water, sewage disposal systems, or gas connections for factory assembled structures, two hundred fifty dollars per site visit regardless of the number of sites installed and completed at the time of inspection;

(h) On-site inspection and plan review for foundation pad for temporary structures including, but not limited to, tents and RVs,

one hundred and twenty dollars per site visit regardless of the number of pads installed and completed at the time of inspection.

(5) Fee reductions. The program may decrease the project review fees, when:

(a) The project sponsor requests a reduction in the fee according to subsection (1) of this section;

(b) The project is prepared by a state licensed architect or engineer when architectural or engineering services are not required by rule. ~~((In this case))~~ The project may qualify for a reduction of up to fifteen percent;

(c) A facility is converted from another occupancy as defined by the state building code; a facility is converted from one license to another; or, a facility that is currently unlicensed, but was previously licensed through the DOH or DSHS, wishes to be reviewed for ~~((licensure, then the construction review fee reduction of up to fifty percent from that shown on the construction review fee schedule shall be allowed))~~ relicensure. The project may qualify for a reduction of up to fifty percent. The amount of fee reduction will be determined by the estimated amount of systems review required to ensure that the rules have been met ~~((7))~~.

~~((d))~~ (6) Total fee reductions may not exceed seventy percent of the original estimated project review fee.

~~((5))~~ (7) Refunds. The program shall refund fees paid when requested by the applicant as follows:

(a) The final attested project cost ~~((as shown on the project completion card))~~ is less than the project ~~((cost shown on the application))~~ estimated on the application. Fees paid may be refunded by the program according to the project fee table in subsection (2) of this section.

(b) If a project is canceled after an application and fee has been received but no plan review or technical assistance has been performed by the program, ~~((three-fourths))~~ seventy-five percent of the fees paid ~~((7))~~.

(c) If a project is canceled after an application and fee has been received and plan review or technical assistance has been performed by the department, ~~((one-half))~~ fifty percent of the fees paid ~~((7))~~.

~~((d))~~ (8) No fees paid by the applicant will be refunded after project cancellation if any of the following applies:

~~((i))~~ (a) More than two on-site visits, conferences, or plan reviews for any purpose have been performed by the program;

~~((ii))~~ (b) One year has elapsed since an application and fee is received by the program, but no permit is issued because applicant failed to complete requirements for permit, and the applicant has not pursued the project in good faith;

~~((iii))~~ (c) The amount to be refunded as calculated by subsection (7)(a), (b), or (c) of this ~~((subsection))~~ section is one hundred twenty dollars or less;

~~((iv))~~ (d) Approval or authorization to begin construction or a permit has been ~~((given))~~ issued or construction has ~~((commenced))~~ begun prior to a request from the applicant to cancel

the project; or
((~~v~~)) (e) A written request has not been received to cancel
the project.